

S.R. 538 - by Snelson: Memorial resolution for Judge Roy H. Adams, Sr.

S.R. 539 - by Snelson: Memorial resolution for Felix C. Hahn, Sr.

S.R. 541 - by Snelson: Memorial resolution for Mrs. J. Ross Richardson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 534 - by Doggett: Extending welcome to Reverend Dr. Edwin T. Salvant, Jr.

S.R. 535 - by Adams: Extending congratulations to Shelby County honorees of the Family Land Heritage Program.

S.R. 537 - by Clower: Extending congratulations to David Hugley.

S.R. 540 - by Snelson: Extending congratulations to C. E. Harlow.

S.R. 542 - by Adams: Extending congratulations to Robert Aikin.

S.R. 543 - by Adams: Extending welcome to Robert Aikin.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:10 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(April 19, 1977)

S.C.R. 65

S.B. 360

S.B. 459

S.B. 625

FIFTY-FOURTH DAY

(Wednesday, April 20, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Parker.

A quorum was announced present.

The Reverend Charles L. Cockrell, Retired Pastor, First Baptist Church, Garland, Texas, offered the invocation as follows:

Holy Father, we give thanks to Thee for this excellent legislative body.

We are grateful to Thee that these men are devoted and sanctified to the cause of helping their great state.

Grant Thy grace upon each member of this Senate today, that they shall have spiritual discernment and power of God in all of their decisions. In Thy name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Mauzy.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 502

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.C.R. 87 (Ordered not printed)

S.C.R. 88 (Ordered not printed)

S.C.R. 80 (Ordered not printed)

H.C.R. 49 (Ordered not printed)

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 1229

H.B. 202

C.S.S.B. 398 (Read first time)

C.S.S.B. 1078 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 314

H.B. 817

S.B. 1121

S.B. 776

H.B. 769
H.B. 497
S.B. 1122
S.B. 1189 (Amended)
S.B. 350
S.B. 1031
C.S.S.B. 696 (Read first time)
C.S.S.B. 168 (Read first time)
C.S.S.B. 931 (Read first time)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.J.R. 52
S.J.R. 55 (Amended)
S.B. 798
S.B. 799
S.B. 934
S.B. 981
S.B. 993
S.B. 1218
S.B. 1219
C.S.S.B. 982 (Read first time)

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 611

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1261 by Traeger Economic Development
Relating to validation of certain actions of the Texas Aeronautics Commission.

S.B. 1262 by Schwartz Intergovernmental Relations
Relating to the compensation of certain judges in Galveston County; amending Section 9, Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 1970-342, Vernon's Texas Civil Statutes); amending Subsection (b), Section 11, Chapter 269, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1970-342a, Vernon's Texas Civil Statutes); amending Section 2, Chapter 64, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended (Article 2338-16, Vernon's Texas Civil Statutes); amending Subsection (b), Section 4, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes).

S.B. 1263 by Williams State Affairs
Relating to the service and compensation of the members of the Texas Alcoholic Beverage Commission; amending Sections 5 and 46, Article I, Texas Liquor Control Act, as amended (Articles 666-5 and 666-46, Vernon's Texas Penal Auxiliary Laws).

S.B. 1264 by Longoria

Intergovernmental Relations

Authorizing the Texas Employment Commission to sell and convey certain land located in the City of McAllen, Hidalgo County, Texas; prescribing the procedures, terms, and conditions of sale; disposition of the proceeds; and declaring an emergency.

S.B. 1265 by Andujar

State Affairs

Relating to rates charged for certain bonds of notaries public; amending Article 5949, Revised Civil Statutes of Texas, 1925, as amended, by adding Section 7a.

S.B. 1266 by Doggett

Jurisprudence

Relating to regulation of monopolies, contracts, combinations, or conspiracies in restraint of trade or commerce; providing penalties; amending Sections 15.01, 15.02, 15.04, and 15.33, Business & Commerce Code, as amended, and adding Sections 15.07, 15.35, and 15.36.

S.B. 1267 by Jones of Taylor

Economic Development

Relating to the establishment and operation of an assigned risk plan or pool; amending Section 35, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes).

MESSAGE FROM THE HOUSE

House Chamber
April 20, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 52, A bill to be entitled An Act authorizing the El Paso Trade Zone, Inc., to apply for and accept a grant to establish, operate, and maintain a foreign trade zone; and declaring an emergency.

H.B. 117, A bill to be entitled An Act relating to the pay of election judges and clerks; amending Subsection (a), Section 22, Texas Election Code, as amended (Article 3.08, Vernon's Texas Election Code).

H.B. 168, A bill to be entitled An Act relating to the eligibility of a county to establish a civil service system; amending Section 2, Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 2372h-6, Vernon's Texas Civil Statutes).

H.B. 397, A bill to be entitled An Act relating to property and services a school district may contract for without competitive bids; amending Subsections (a), (b), and (d) of and adding Subsection (e) to Section 21.901, Texas Education Code.

H.B. 436, A bill to be entitled An Act relating to the disposition of primary filing fees paid to the state chairman of a political party; amending Subsection (e), Section 186, Texas Election Code, as amended (Article 13.08, Vernon's Texas Election Code).

H.B. 756, A bill to be entitled An Act relating to the arbitration of disputes between an employer and employees operating under a collective-bargaining agreement; repealing Articles 239 through 249 of the Revised Civil Statutes of Texas, 1925.

H.B. 788, A bill to be entitled An Act relating to the establishment of an apprenticeship system of adult vocational education to train craftsmen; amending the Texas Education Code by adding Chapter 33.

H.B. 949, A bill to be entitled An Act relating to sale of certain fireworks in certain counties; providing penalties; amending Chapter 498, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 9205, Vernon's Texas Civil Statutes), by adding Section 3A.

H.B. 988, A bill to be entitled An Act relating to the label on food articles which contain imported meat; amending the Texas Food, Drug and Cosmetic Act, as amended (Article 4476-5, Vernon's Texas Civil Statutes), by adding Section 11A.

H.B. 1177, A bill to be entitled An Act relating to groups that may be insured under certain group life insurance; amending Section 1, Article 3.50, Insurance Code, as amended.

H.B. 1184, A bill to be entitled An Act relating to the designation of an allergy on the reverse side of a license to operate a motor vehicle; adding Section 11C to Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes).

H.B. 1214, A bill to be entitled An Act relating to records to be kept of bail; amending Chapter 17, Code of Criminal Procedure, 1965, as amended, by adding Article 17.39.

H.B. 1574, A bill to be entitled An Act relating to the authorization of the manufacture, distribution, sale, prescription, and use of amygdalin (laetrile).

S.C.R. 89, Instructing enrolling clerk to make certain clerical corrections in **S.B. No. 527**.

S.B. 194, An Act relating to the administration of the state turnpike program; amending Sections 1 through 21, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes). (With amendment)

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

MOTION IN WRITING

Senator Schwartz submitted the following Motion in Writing:

I ask unanimous consent to correct the Senate Journal for April 18, 1977, to strike the language as follows on page 880 thereof:

"On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended."

SCHWARTZ

The Motion in Writing was read and was adopted.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Pursuant to Rule 92, we move to commit **C.S.S.B. 339** to the Committee on Jurisprudence.

**MAUZY
CLOWER
BRAECKLEIN**

The Motion in Writing was read and was adopted.

RECORD OF VOTE

Senator Harris asked to be recorded as voting "Nay" on the adoption of the Motion in Writing.

**MOTION TO INSTRUCT THE COMMITTEE ON ECONOMIC
DEVELOPMENT**

Senator Schwartz moved that the Committee on Economic Development set **C.S.H.B. 1** for hearing and report it favorably to the Senate within the next fourteen days.

Senator Creighton raised the Point of Order that the motion to instruct a Committee was not a proper motion.

The President sustained the Point of Order.

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave Notice that he would move for an Executive Session of the Senate tomorrow at 11:00 o'clock a.m.

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

COMMITTEE SUBSTITUTE HOUSE BILL 22 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 22, Relating to the valuation of open-space land used to support the raising of livestock or to produce farm crops or forest products or used by colleges or universities for certain purposes.

The motion prevailed by the following vote: Yeas 23, Nays 7, Present-Not Voting 1.

Yeas: Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Adams, Braecklein, Clower, Mauzy, Mengden, Truan.

Present-Not Voting: Longoria.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend Section 1 of **H.B. 22** as follows:

Strike all of Subsection (1) and substitute in lieu thereof the following:

(1) "Open-space land" means land owned by natural persons, authorized farm corporations, estates, or trusts for the benefit of natural persons with a five-year history of being devoted principally to the production of farm crops or forest products, to the raising of livestock, or land which is used principally for ecological laboratories by public and private colleges and universities, and land without such a history that the owner has sworn by affidavit to the local taxing authority will be used for the production of farm crops, forest products, the raising of livestock, or land which is used principally for ecological laboratories by public and private colleges and universities, exclusive of structures with a residential use and those structures used for processing farm crops, forest products, or livestock.

Add a new subsection (7) to read as follows:

(7) "Authorized farm corporation" means a domestic corporation of which the shareholders do not exceed 10 in number; all shareholders must be either natural persons, estates or trusts for the benefit of natural persons; only one class of shares is authorized and its revenues from rents, royalties, dividends, interests and annuities do not exceed 20% of its gross receipts."

The amendment was read.

On motion of Senator Creighton the amendment was tabled by the following vote: Yeas 16, Nays 13, Present-Not Voting 1.

Yeas: Aikin, Andujar, Creighton, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Moore, Ogg, Santiesteban, Snelson, Traeger, Williams.

Nays: Adams, Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Mauzy, Mengden, Patman, Schwartz, Sherman, Truan.

Present-Not Voting: Longoria.

Absent-excused: Parker.

The bill was passed to third reading.

RECORD OF VOTES

Senators Adams, Truan, Braecklein and Mauzy asked to be recorded as voting "Nay" on the ~~passage~~ of the bill to third reading.

Senator Longoria asked to be recorded as voting "Present-Not Voting" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 22 ON THIRD READING

Senator Creighton moved to suspend the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 22** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-Not Voting 1.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Adams, Braecklein, Doggett, Mauzy, Truan.

Present-Not Voting: Longoria.

Absent-excused: Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Truan and Adams asked to be recorded as voting "Nay" on the final passage of the bill.

Senator Longoria asked to be recorded as voting "Present-Not Voting" on the final passage of the bill.

REASON FOR VOTE

I have voted "Present-Not Voting" on **C.S.H.B. 22** for the reason that this legislation will affect me personally in that I would receive a direct benefit from the

passage of this law because I own land located within the city limits of a city and at the present time it is being farmed.

LONGORIA

HOUSE BILL 812 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 812, A bill to be entitled An Act relating to the authority of the attorney general to defend certain suits against a grand juror or jury commissioner; amending Chapter 275, Acts of the 64th Legislature, Regular Session, 1975 (Article 4412b, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading.

HOUSE BILL 812 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 812** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin.

Absent: Farabee.

Absent-excused: Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 956 ON SECOND READING

Senator Jones of Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 956, Relating to the definition of "beer container"; amending Subsection (d), Section 1, Article II of the Texas Liquor Control Act (Article 667-1(d), Vernon's Penal Auxiliary Laws); and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 9, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Mauzy, McKnight, Mengden, Santiesteban, Sherman, Snelson, Truan, Williams.

Nays: Braecklein, Kothmann, Lombardino, Meier, Moore, Ogg, Patman, Schwartz, Traeger.

Present-Not Voting: Longoria.

Absent-excused: Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend committee substitute for S.B. No. 956 by striking all of the quoted subsection (d) in Section 1 and substituting the following:

“(d) The term ‘container’ means any container holding beer in quantities of one (1) barrel, one-half (1/2) barrel, one-quarter (1/4) barrel, one-eighth (1/8) barrel, or any bottle or can having a capacity of six (6) fluid ounces, twelve (12) fluid ounces, fifteen (15) fluid ounces, twenty four (24) fluid ounces, and thirty two (32) fluid ounces, and no container of any other capacity shall be authorized.”

The amendment was read.

On motion of Senator Jones of Harris the amendment was tabled by the following vote: Yeas 23, Nays 6, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Mauzy, McKnight, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Kothmann, Lombardino, Meier, Moore, Patman, Traeger.

Present-Not Voting: Longoria.

Absent-excused: Parker.

The bill was passed to engrossment by the following vote: Yeas 20, Nays 9, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Mauzy, McKnight, Mengden, Santiesteban, Sherman, Snelson, Truan, Williams.

Nays: Braecklein, Kothmann, Lombardino, Meier, Moore, Ogg, Patman, Schwartz, Traeger.

Present-Not Voting: Longoria.

Absent-excused: Parker.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 956 ON THIRD READING**

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 956** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of Members present): Yeas 20, Nays 9, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Mauzy, McKnight, Mengden, Santiesteban, Sherman, Snelson, Truan, Williams.

Nays: Braecklein, Kothmann, Lombardino, Meier, Moore, Ogg, Patman, Schwartz, Traeger.

Present-Not Voting: Longoria.

Absent-excused: Parker.

REASON FOR VOTE

I voted "Present-Not Voting" on **C.S.S.B. 956** because I would receive a direct benefit if said legislation is passed because I own an interest in a distributorship.

LONGORIA

MEMORIAL RESOLUTIONS

S.R. 544 - by Ogg: Memorial resolution for Leonard McNeill.

S.R. 548 - by Snelson: Memorial resolution for Mrs. Lucille Hutcherson.

S.R. 550 - by Snelson: Memorial resolution for Mrs. Ollie Fulcher Hinson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 545 - by Schwartz: Extending welcome to Girl Scout Troop Number 552.

S.R. 546 - by Clower: Extending welcome to Reverend Charles L. Cockrell.

S.R. 547 - by Adams: Extending congratulations to Warren T. March.

S.R. 549 - by Snelson: Extending congratulations to Clinton S. Hartmann.

S.R. 551 - by Moore: Extending congratulations to the McAdams Company.

S.R. 552 - by Clower: Extending congratulations to Chris McCollum.

S.R. 553 - by Clower: Extending congratulations to Rex Roten.

S.R. 554 - by Clower: Extending congratulations to Locke Urschel.

S.R. 555 - by Clower: Extending welcome to Reverend and Mrs. Charles L. Cockrell.

S.R. 556 - by Clower: Extending welcome to Mrs. Karma McCollum.

S.R. 557 - by Schwartz: Extending welcome to W. J. Ogg.

RECESS

On motion of Senator Aikin the Senate at 12:12 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

FIFTY-FOURTH DAY (Continued) (Thursday, April 21, 1977)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Adams.

COMMITTEE ON INTERGOVERNMENTAL RELATIONS GRANTED PERMISSION TO MEET

On motion of Senator Snelson and by unanimous consent, the Committee on Intergovernmental Relations was granted permission to meet while the Senate was in session.

COMMITTEE ON ECONOMIC DEVELOPMENT GRANTED PERMISSION TO MEET

On motion of Senator Jones of Taylor and by unanimous consent, the Committee on Economic Development was granted permission to meet while the Senate was in session.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)